

### **REMARKS**

This Response is pursuant to a Final Office Action.

Claims 1-19 are under examination. Claims 3 and 16-18 were previously withdrawn from consideration and claim 20 was previously canceled.

In the present Office Action, claims 7, 8, and 9 were objected to as depending from rejected base claims. Claims 7, 8, and 9 have been canceled herein, but their subject matter has been incorporated into new claims 21, 22, and 23, which are written in independent form to incorporate the subject matter of the claim from which claims 7, 8, and 9 had depended. No new subject matter has been entered by way of these amendments.

In the present Office Action claims 1, 2, 4-6, 10-15 and 19 stand rejected.

The 112 second paragraph rejections have been withdrawn.

The previous five 102(b) rejections have been withdrawn or modified. A new 102 rejection has been issued.

Two new 103 rejections have been issued.

New claims 21, 22, and 23 have been added.

#### **Response to Objections to claims 7, 8, and 9**

The Examiner objected to claims 7, 8, and 9 as being dependent upon a rejected base claim and asserted that claims 7, 8, and 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended the claims accordingly and describes the amendments below.

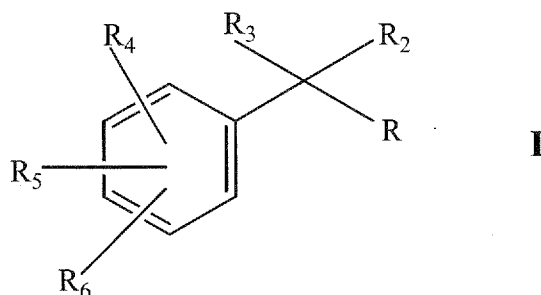
For ease of reviewing the amendments needed to address the objections as to claims 7, 8, and 9, claims 7, 8, and 9 have been canceled herein, but their subject matter has been incorporated into new independent claims 21, 22, and 23, respectively, which have been written to incorporate the limitations of the base claim and intervening claims from which claims 7, 8, and 9 depended.

Claims 7 and 8 depended from claim 5. Claim 5 depended from claim 2, which depended from claim 1. Claim 9 depended from claim 2, which depended from claim 1. To that end, new claim 21 was written to incorporate all the limitations of claim 7 and the claims from which it depended- claims 5, 2 and 1. New claim 22 was written to incorporate all the limitations of

claim 8 and the claims from which it depended- 5, 2, and 1. New claim 23 was written to incorporate all the limitations of claim 9 and the claims from which it depended- 2 and 1.

To aid the Examiner in reviewing the claim amendments, the text of canceled claims 1, 2, 5, 7, 8, and 9 as submitted in the previous Response filed electronically February 6, 2008, is provided below. However, as presented below claims 1, 2, 5, 7, 8, and 9 are clean copies of the claims as filed on February 6, 2008 and no identifiers are used as they are not being presented in the section above entitled "IN THE CLAIMS". They can be reviewed as previously submitted or amended in the documents of record.

1. A sodium channel blocker represented by the structure:



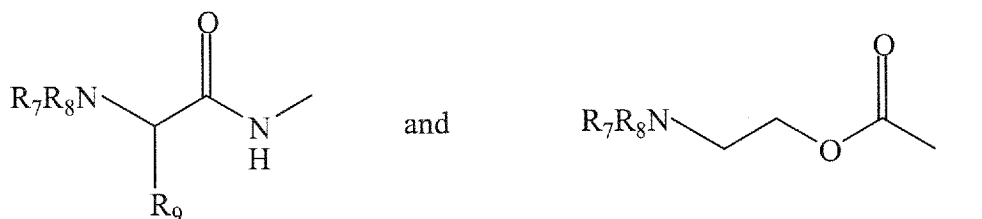
wherein R is selected from the group consisting of C<sub>1</sub> alkyl, C<sub>3</sub>-C<sub>6</sub> alky, C<sub>8</sub>-C<sub>12</sub> alkyl, C<sub>2</sub>-C<sub>9</sub> alkenyl, C<sub>2</sub>-C<sub>9</sub> alkynyl, -(CH<sub>2</sub>)<sub>m</sub>COOH, -(CH<sub>2</sub>)<sub>m</sub>NH<sub>2</sub>, -(CH<sub>2</sub>)<sub>m</sub>CONH<sub>2</sub>, -(CH<sub>2</sub>)<sub>n</sub>C<sub>3</sub>-C<sub>6</sub> cycloalkyl, -(CH<sub>2</sub>)<sub>n</sub>aryl, -(CH<sub>2</sub>)<sub>n</sub> aryl, -(CH<sub>2</sub>)<sub>p</sub>NCH<sub>3</sub>(CH<sub>2</sub>)<sub>p</sub> aryl and -(CH<sub>2</sub>)<sub>n</sub> heterocyclic, wherein m is an integer ranging from 3-8, n is an integer ranging from 0-4 and p is an integer ranging from 1-4;

R<sub>2</sub> is selected from the group consisting of -(CH<sub>2</sub>)<sub>n</sub>COOH, -(CH<sub>2</sub>)<sub>n</sub>NH<sub>2</sub>, and -(CH<sub>2</sub>)<sub>n</sub>CONHR<sub>10</sub>; with the proviso that when R<sub>2</sub> is -(CH<sub>2</sub>)<sub>n</sub>CONHR<sub>10</sub>, n is 3 or 4;

R<sub>3</sub> is selected from the group consisting of hydroxy, amino, C<sub>1</sub>-C<sub>4</sub> alkoxy, -CH<sub>2</sub>OH and -CONH<sub>2</sub>, or R<sub>2</sub> and R<sub>3</sub> taken together with the atoms to which they are attached form a heterocyclic ring;

R<sub>4</sub> and R<sub>5</sub> are independently selected from the group consisting of H, halo, C<sub>1</sub>-C<sub>4</sub> alkyl, C<sub>2</sub>-C<sub>4</sub> alkenyl, C<sub>2</sub>-C<sub>4</sub> alkynyl, and C<sub>1</sub>-C<sub>4</sub> alkoxy; and

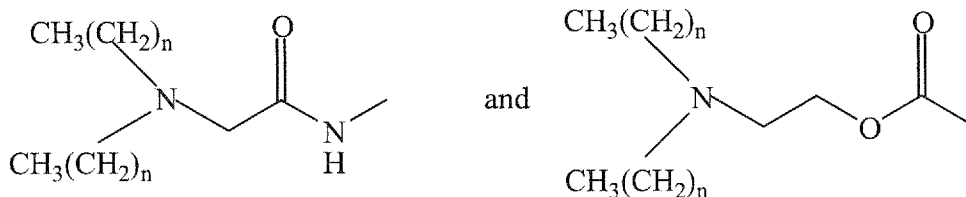
R<sub>6</sub> is selected from the group consisting of H, C<sub>1</sub>-C<sub>8</sub> alkyl,



wherein  $R_7$  and  $R_8$  are independently selected from the group consisting of H,  $C_1$ - $C_4$  alkyl,  $C_2$ - $C_4$  alkenyl and  $C_2$ - $C_4$  alkynyl, and  $R_9$  is H, or  $R_8$  and  $R_9$  taken together with the atoms to which they are attached form a heterocyclic ring, and  $R_{10}$  is selected from the group consisting of H, benzyl and  $C_1$ - $C_4$  alkyl, with the proviso that when  $R_2$  and  $R_3$  taken together form a heterocyclic ring, R is not  $-(CH_2)_n$ aryl.

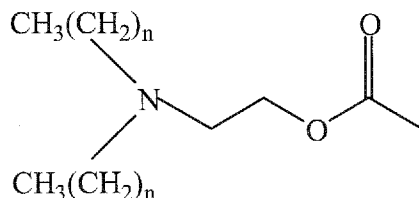
2. The compound of claim 1, wherein  $R_2$  is  $-(CH_2)_nCONH_2$ ; and  $R_3$  is hydroxyl.

5. The compound of claim 2 wherein  $R_4$  and  $R_5$  are independently selected from the group consisting of H, halo and  $C_1$ - $C_4$  alkyl; and  $R_6$  is selected from the group consisting of H,



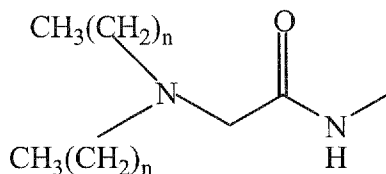
wherein n is an integer ranging from 0-2.

7. The compound of claim 5 wherein  $R_4$  and  $R_5$  are both H, and  $R_6$  is



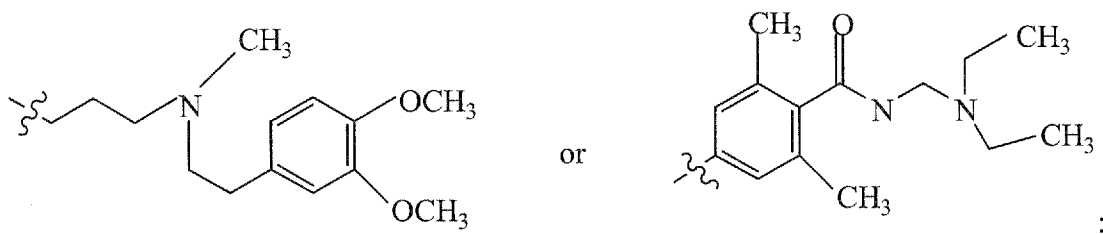
wherein n is an integer ranging from 0-2.

8. The compound of claim 5 wherein  $R_4$  and  $R_5$  are both  $C_1$ - $C_4$  alkyl, and  $R_6$  is



wherein  $n$  is an integer ranging from 0-2.

9. The compound of claim 2 wherein  $R$  is



$R_4$  and  $R_5$  are independently selected from the group consisting of H, halo and  $C_1$ - $C_4$  alkoxy; and

$R_6$  is H.

Applicant asserts that the amendments satisfy the issues raised by the Objection issued by the Examiner and render the Objection moot. Applicant submits that new claims 21, 22, and 23 are in condition for allowance.

### Response to 102 and 103 rejections

Although not necessarily agreeing with the reasoning of the Examiner, in order to expedite prosecution of the application Applicant has canceled rejected claims 1, 2, 4-6, 10-15 and 19 herein without prejudice to their inclusion in a continuing application, therefore the rejections as to these claims are now moot. Applicant requests that the rejections as to these claims be withdrawn. As noted above, claims 3 and 16-18 were previously withdrawn from consideration and claim 20 was previously canceled. Additionally, claims 7, 8, and 9, which were objected to, have been canceled herein but have been rewritten as new independent claims 21, 22, and 23.

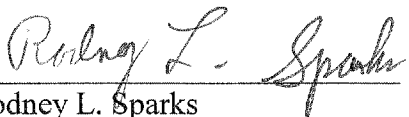
**CONCLUSION**

Applicant submits that new claims 21, 22, and 23 are in condition for allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (434) 243-6103.

Respectfully submitted,

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